



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12 VAC 5-501
<b>Regulation title</b>	Rules and Regulations Governing the Construction of Migrant Labor Camps
<b>Document preparation date</b>	May 1, 2009

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

These regulations are authorized by §32.1-211 of the Code of Virginia. The State Board of Health is the entity that promulgated these regulations.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

§32.1-205 requires anyone desiring to operate a migrant labor camp to have a permit issued by the Commissioner. Eliminating the regulations were considered but the regulations were determined to be essential to protect the health of the migrant workers in the Commonwealth. Several migrant advocacy groups would strongly oppose any move to repeal the regulations.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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Commenter	Comment	Agency response

No comments were received during the comment period.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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The regulations were reviewed and were determined to be essential to protect public health, safety and welfare. The regulations were also deemed to be clearly written and easily understandable.

**Result**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The current regulations were updated in 2005 and were effective January 1, 2006.

**Family impact**

*Please provide an analysis of the regulation’s impact on the institution of the family and family stability.*

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These regulations have little impact on family life and family stability for Virginia citizens. However, they do provide a level of public health, safety and welfare protection for those migrant workers who bring their families to the camps in which they reside.